

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>November 10, 2021</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2020-263-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	_____

**SUBJECT:**

DOCKET NO. 2020-263-E - Cherokee County Cogeneration Partners, LLC, Complainant/Petitioner v. Duke Energy Progress, LLC and Duke Energy Carolinas, LLC, Defendant/Respondent - Staff Presents for Commission Consideration the Petition for Rehearing or Reconsideration of Commission Order No. 2021-680, Filed on Behalf of Cherokee County Cogeneration Partners, LLC.

**COMMISSION ACTION:**

The law provides that a second motion for reconsideration is appropriate **only if it challenges something that was altered from the original judgment** as a result of the initial motion for reconsideration. The Commission denied the original petition for reconsideration and rehearing and merely clarified reference to Hearing Exhibit No. 14 which was already part of the record to be considered by the Commission. There was no change in the Commission's decision in Order No. 2021-604 or Order No. 2021-680 finding that a legally enforceable obligation was established on September 17, 2018 with Duke Energy Carolinas, LLC (Duke). Additionally, the late filed Hearing Exhibit No. 14 was requested by Commissioner C. Williams during commissioner questions of Witness John Freund on the morning of the second day of the hearing and sometime prior to the lunch break. There was no objection raised by any party to the request for or entry of such information requested by Commissioner C. Williams. No party filed any comments in response to the late filed Hearing Exhibit No. 14, even though Cherokee County Cogeneration Partners LLC (Cherokee) reserved the right to comment but did not file comments on Hearing Exhibit No. 14. Cherokee did file comments on Duke's Late Filed Hearing Exhibit No. 1. I also move that the Commission find that Late filed Hearing Exhibit No. 14 is properly in the record of this proceeding and was available for consideration as evidence by the Commission.

I further move that the Commission find the Second Motion for Rehearing and Reconsideration filed by Cherokee to review Order No. 2021-680 is **NOT** appropriately before the Commission as the clarification in Order No. 2021-680 **DID NOT** alter or amend the original order as the Commission's decision remained the same.

Furthermore, even if the clarification in Order 2021-680 could be construed by an appellate court as a new basis for the Commission's decision to make this Second Motion for Rehearing and Reconsideration filed by Cherokee appropriately before the Commission for review, I would move that the Commission deny this Second Motion for Rehearing and Reconsideration on the basis there is a reasonable basis supported by substantial evidence in the record for the Commission's decision and adoption of the Avoided Energy Rate set forth in Hearing Exhibit No. 14.

I so move.

PRESIDING: J. Williams

SESSION: Regular

TIME: 4:15 p.m.

	MOTION	YES	NO	OTHER
BELSER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
CASTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Voting via WebEx
POWERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
THOMAS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Voting via WebEx
C. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
J. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room

(SEAL)

RECORDED BY: J. Schmieding

